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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,006	03/27/2001	Merrill W. Harriman	SAA-0058	2027

23569 7590 07/29/2005

SQUARE D COMPANY  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER
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CHRISTMAN, KATHLEEN M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/818,006

Applicant(s)

HARRIMAN, MERRILL W.

Examiner

Kathleen M. Christman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/03/2005
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

In response to the amendment filed 06/03/2005, claims 1-27 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/03/2005 has been entered.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 15-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The amendment to the claims filed 06/03/2005 amended the language "training means" to "training resource". Page 5, starting at line 16 of the specification as originally filed reads:

"Based on the information communicated 108 over the communications network, the user is then linked 110 to customized training resources which address the difficulties, so as to provide the user with solutions to the difficulties. In other words, the training resources are tailored to the specific needs of the user, for example based upon what part of the software the user is using, or based upon a particular user error detected by the software. The training resources preferably comprise material presented at an internet or intranet web site, and comprise a multimedia media presentation including at least sound and video. The training resources may also comprise a link to a customer service representative with whom the user may communicate, preferably in real time (e.g. by instant messaging)."

Based upon this section the training resources are information contents presented to the user. How these resources may be "operatively coupled to the user device via a communication network" or provide a training signal to the device in response to the difficulties signal or record the difficulties encountered by the user is not provided for by the specification.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-11, 13-18, 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang et al (US 5535422) in view of Mustafa (US 2002/0059378 A1). Regarding claim 1, Chiang et al teaches a system and method for training a user on a software product, wherein the user is provided a training hyperlink option in response to the user encountering difficulties, or an error as in claim 3, with programming, and linking the user to customized training resources addressing the difficulties based on the information, so as to provide the user solutions to the difficulties (see col. 18: 65-67). Information is retrieved upon selection of the training hyperlink; see the description of the "Show-Me" features. The training hyperlink option provided in response to a request by the user (claim 2) is taught at col. 18: 55-57. The information comprising data indicating at least one part of the software being used by the user (claim 4) is taught at col. 19: 9-11.

Chiang et al fails to teach that information is communicated automatically over a communications network (claim 1), that the training resources comprise materials which are: presented at an internet web-

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site (claim 6), are multimedia presentations (claim 7), or a link to a customer service representative (claim 8), that the communications network is a secure network (claim 9) or a private internal network (claim 10), that the training resources are modifiable (claim 13) and can be modified without changes to the software (claim 14).

Mustafa teaches that a communications network for transferring help information in paragraph 04. The various networks and types of training materials are taught in paragraphs 28-30. The ability to modify the training resources without changing the product is taught in the description and use of the "client profile". Specifically, see paragraph 41, which discusses downloading updated information to the user. In the amendment dated 06/03/2005, applicant added the limitation of recording the information pertaining to the difficulties encountered by the user to independent claims 1 and 15. Chiang fails to teach this feature. Mustafa teaches this feature in at least paragraphs 33, 41, and 52. In these sections Mustafa discusses the content of the user profile, which includes behavior and previous information accessed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to update the features of the Chiang et al invention with the on-line features of the Mustafa invention so as to provide for a more diverse help feature.

It is noted that neither the Chiang et al nor Mustafa inventions are directly drawn to the "software for programming a programmable logic controller". It is the examiner's position that the specific claimed application of the software is not a patentably distinguishing feature. It is old and well known in the art that various software packages may be used during the process of writing the code for programming a programmable logic controller. The Chiang et al invention is drawn to providing help when a user encounters difficulties in a generic software program and as such is equally applicable to any software product. The Mustafa invention is drawn to a general help feature and not limited to any particular product. As no stated problem has been solved nor unexpected result achieved the implementation of the help system in the software product for programming a PLC is deemed a matter of design choice.

Claims 15-18, and 20-24 are a system which corresponds in scope to the method claims 1-4, 6-11, 13 and 14, respectively, and are rejected for the same reasons.

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Regarding claims 25 and 26, the limitations of these claims are taught in the "Monitoring User Actions" section of Chiang et al, see col. 15.

Regarding claim 27, the claim represents an intended use of the user device as it is disclosed in claim 15. It is the examiner's position that the computer system of Chiang et al is capable of performing this function.

In the amendment dated 12/10/2004 applicant amended claim 1 to include those features of previously cancelled claim 29. Neither Mustafa nor Chiang explicitly teaches that the programming of the programmable logic controller to solve the programming difficulties is accomplished by programming input that comes from the user. The applicant has admitted that it is an old and well-known principle in the educational field that student's learn a task more efficiently when they perform the task, rather than by having the task performed for them. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Chiang et al invention to provide the student with a "walkthrough" type feature allowing the student to perform the steps necessary to overcome any difficulties encountered instead of having the computer tutorial system perform these steps, so to reinforce the proper procedures and allow the student to more efficiently learn the task.

4. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang et al (US 5535422) in view of Mustafa (US 2002/0059378 A1) further in view of Gardner et al (US 5239617). Chiang et al and Mustafa teach all the limitations of the claimed invention as shown above except for the information containing data indicating at least one particular error made by the user. Gardner et al clearly teaches this ability at col. 5: 4-9. It would have been obvious to one of ordinary skill in the art to combine the abilities of Gardner to point out a specific error performed by the user, with the inventions of Chiang et al and Mustafa so as to provide an intelligent help system which is tailored to the user's specific needs.

***Allowable Subject Matter***

5. Claim 12 is allowed.

### ***Response to Arguments***

6. Applicant's arguments filed 06/03/2005 have been fully considered but they are not persuasive.

#### **Amendments to claims 1 and 15**

Applicant generally argues that none of the prior art teach the newly added limitation of recording the information pertaining to the user difficulties. The examiner has shown above where this feature is believed to be shown in the Mustafa reference.

Further, the examiner notes that this newly added limitation is not explicitly taught by the applicant's specification as originally filed. Applicant has attempted to show support for the feature on page of the original specification. This section discusses the compilation of information relating to the difficulties of the user. It is the examiner's position that one of ordinary skill in the art would readily recognize that recording the information is required in order for this disclosed feature of the invention to function properly, and therefor the feature of recording the difficulties is inherent to the invention.

#### **Motivation to Combine admitted features with the Prior Art**

On page 9 of the response the applicant asserts that Chiang teaches away from having the user perform the programming tasks. Reliance for this argument is based upon the fact that Chiang teaches having the computer perform the function. The examiner respectfully disagrees. Admittedly Chiang fails to teach that the user performs each of the programming tasks, when attempting to overcome a difficulty. However, the absence of a teaching in the prior art does not constitute an explicit teaching away from the inclusion of the feature. Generally, a reference teaches away from a feature only when it explicitly states that the elements of a feature should not be employed. This is not the case with the Chiang reference.

#### **The subject matter of Claim 12**

The examiner has clarified that the subject of matter of claim 12 is still deemed to be allowable.

### ***Conclusion***

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114.

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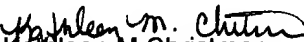
Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M. Christman whose telephone number is (571) 272-4435. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kathleen M Christman  
Examiner  
Art Unit 3713

July 27, 2005

NOT Entered  
Kue 14 2705  
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DEC 10 2004  
PATENT & TRADEMARK OFFICE

Appln No: 09/818,006  
Amdt dtd: December 7, 2004  
Reply to Action dtd: October 12, 2004  
Replacement Sheet

